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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BANC OF AMERICA PRACTICE
SOLUTIONS, INC., as servicer for BANK OF
AMERICA, successor by merger and acquisition
to MBNA AMERICA (DELAWARE), N.A.,
assignee of Sky Bank, and as agent for U.S. Bank
Trust National Association,

Plaintiff,

v.

WEST 86TH STREET DENTISTRY, PC AND
NKEMJIKA S. OBIECHINA, DMD,

Defendants.

Civil Action No. 1:07-cv-04752-LTS

**AFFIDAVIT IN FURTHER SUPPORT
OF MOTION FOR ENTRY OF
DEFAULT JUDGMENT PURSUANT
TO FED. R. CIV. P. 55(b)**

JOSEPH H. LEMKIN, ESQ., being duly sworn, deposes and says:

1. I am an attorney-at-law of the States of New Jersey and New York and Special Counsel with the law firm of Duane Morris LLP, counsel for the Plaintiff, Banc of America Practice Solutions, Inc. ("BOA" or "Plaintiff"), in the above-captioned matter. I am fully familiar with the facts and circumstances of this action.

2. On April 28, 2008, Plaintiff filed a Motion for Entry of Default Judgment pursuant to Fed. R. Civ. P. 55(b) (the "Motion"). This affidavit is submitted in order to supplement the Motion and provide clarification for the amount of judgment being sought by Plaintiff.

3. By way of brief background, on June 19, 2007, Plaintiff filed an Order to Show Cause why an Order of Seizure should not be issued pursuant to CPLR 7102, made applicable by Rule 64 of

the Federal Rules of Civil Procedure (the "Order to Show Cause"). In support of its Order to Show Cause, Plaintiff's Assistant Counsel, Joseph L. Heeter filed an affidavit ("Heeter Affidavit"), setting forth in detail the basis for the relief sought by Plaintiff including the amount owed by Defendants to Plaintiff at the time. A true copy of the Heeter Affidavit was attached to the Motion. The Heeter Affidavit corroborated the amounts due by Defendants to the Plaintiff, which was set forth in the Complaint.

4. Specifically, as set forth in the Complaint and the Heeter Affidavit, as of May 17, 2007, there was due and owing by the Plaintiffs to BOA the balance of \$288,000.16, under the Finance Agreement. The balance on the Second Finance Agreement at that time was \$20,098.42. These amounts have never been disputed by the Defendants.

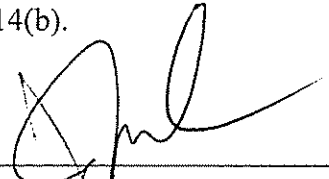
5 By the within Motion, Plaintiff is merely seeking entry of judgment in the amounts set forth in the complaint, nothing more. Additional accrued late charges, interest, attorneys fees, costs and the like, which have accrued are not requested to be included in the Motion. Simply stated, Plaintiff is merely seeking the entry of a judgment in the amount of \$308,098.58, which represents the amounts due and alleged as of May 17, 2007 in the Complaint, plus post-judgment interest at the federal judgment rate of interest.

6. According to the Fee Schedule for the U.S. District Court for the Southern District of New York, the post-judgment interest rate is determined in conjunction with 28 U.S.C. § 1914(b). More specifically, "The post-judgment interest rate is the weekly average one-year constant maturity Treasury yield for the calendar week preceding the date of entry of the judgment."

7. The 'weekly average one-year constant maturity Treasury yield' is found in the Federal Reserve's H.15 Statistical Release (available through their website). The weekly averages are published at 2:30p.m. on Monday of the preceeding week. For example, referring to the Federal Reserve's June 23, 2008 Statistical Release, the 'one year constant maturity Treasury yield' for the calendar week ending on June 20, 2008 is 2.57% percent per annum.

8. Based upon the foregoing and based upon the initial pleadings filed in support of the Motion, it is respectfully submitted that judgment should be entered in favor of BOA against Defendants West 86th Street Dentistry, PC, as Borrower, and Nkemjika S. Obiechina, DMD, as Guarantor, each in the amount of \$308,098.58 plus post-judgment interest in an amount to be determined in accordance with 28 U.S.C. § 1914(b).

WHEREFORE, deponent respectfully requests the entry of a Default Judgment pursuant to Fed. R. Civ. P. 55(b) and post-judgment interest pursuant to 28 U.S.C. § 1914(b).



JOSEPH H. LEMKIN, ESQ.

Sworn to and Subscribed before me
This 30th day of June, 2008



Notary Public

